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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 15 March 2017 from the Permanent Mission of China to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and, in accordance with paragraph 36 of Security Council resolution 2321 (2016), has the honour to submit the attached report of China on the implementation of Security Council resolution 2321 (2016) (see annex).

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Annex to the note verbale dated 15 March 2017 from the Permanent Mission of China to the United Nations addressed to the Chair of the Committee

[Original: Chinese]

Report of China on the implementation of Security Council resolution 2321 (2016)

1. China supports Security Council resolution 2321 (2016). The resolution clearly states that the international community is firmly opposed to nuclear testing and the possession of nuclear weapons by the Democratic People's Republic of Korea, while remaining committed to resolving the situation on the Korean Peninsula by peaceful, diplomatic and political means. The resolution reaffirms support for the Six-Party Talks and calls for their resumption, and emphasizes that the implementation of the resolution must have no adverse effects on the people of the Democratic People's Republic of Korea and their livelihood.

2. China has consistently taken a responsible attitude towards fulfilling its international obligations under the Charter of the United Nations and implementing the resolutions of the Security Council, and has put in place a series of effective operational mechanisms and practices. Following the adoption of resolution 2321 (2016), the Ministry of Foreign Affairs of the People's Republic of China, with the authorization of the State Council, issued a circular requiring implementation of the resolution by all Chinese Government departments and ministries, provinces, autonomous regions, and province-level municipalities, as well as the Hong Kong and Macao Special Administrative Regions.

3. China has taken the following measures to implement Security Council resolution 2321 (2016):

(a) China has traditionally adopted a serious and responsible approach to the export of military products, and has exercised rigorous management in this area. In accordance with the provisions of the resolution, the Chinese Government has taken measures to prohibit the export to the Democratic People's Republic of Korea of all arms and related materiel, including small arms and light weapons and related materiel, and to prohibit the facilitation of financial transactions involving the Democratic People's Republic of Korea and also the provision to that country of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms and related materiel; the Chinese Government has prohibited engagement in any form of technical activities with the Democratic People's Republic of Korea involving launches using ballistic missile technology, including the launching of satellites and space vehicles; it has prohibited the hosting of trainers, advisors, or other officials for the purpose of military-, paramilitary- or police-related training, as well as the provision to the Democratic People's Republic of Korea of specialized teaching or training in disciplines that could contribute to proliferation-sensitive nuclear activities or the development of nuclear weapons delivery systems.

(b) In order to implement the provisions of resolution 2321 (2016), and in accordance with the Foreign Trade Law of the People's Republic of China, the

Chinese Ministry of Commerce and the General Administration of Customs issued Announcement No. 75 on 9 December 2016, by which it suspended the import of coal from the Democratic People's Republic of Korea from 11 to 31 December 2016; the Announcement provides for the release of coal that had already been shipped or had arrived at port before the date of implementation of the Announcement. On 23 December 2016 the Ministry of Commerce and the General Administration of Customs issued Announcement No. 81, which, in accordance with resolution 2321 (2016), required the establishment of concrete measures for managing the import of coal from the Democratic People's Republic of Korea, including requiring that the relevant companies importing coal from the Democratic People's Republic of Korea not be associated with individuals or entities subject to the sanctions imposed by Security Council resolutions. In the case of a violation, any import by the company concerned is immediately terminated, and the company assumes the corresponding legal responsibility. The Announcement also prohibits the import of copper, nickel, silver and zinc from the Democratic People's Republic of Korea; it provides for the release of goods that had already been shipped or had arrived at a Chinese port before the date of implementation of the Announcement. The Announcement also prohibits the import of statues from the Democratic People's Republic of Korea, unless the Security Council Committee established pursuant to resolution 1718 (2006) has approved such import in advance on a case-by-case basis; it provides for the release of goods that had already been shipped or had arrived at a Chinese port before the date of implementation of the Announcement. The Announcement also prohibits the export of helicopters and ships to the Democratic People's Republic of Korea, unless the Committee has approved such export in advance on a case-by-case basis.

On 18 February 2017 the Ministry of Commerce and the General Administration of Customs announced that the import of coal from the Democratic People's Republic of Korea would be suspended from 19 February 2017 to 31 December 2017.

(c) China has instituted a comprehensive system of export-control laws and regulations covering nuclear, biological, chemical and ballistic-missile items and technologies. The regulatory scope of current Chinese export-control legislation is substantially the same as that of established international practice. It is on this basis that China will continue to implement Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016) and enforce the provisions relating to the lists of items and technologies designated by the Committee that the Democratic People's Republic of Korea is prohibited from procuring.

To implement the provisions of resolution 2321 (2016) and the decisions of the Committee, the Ministry of Commerce, the Ministry of Industry and Information Technology, the State Administration for Science, Technology and Industry for National Defence, the China Atomic Energy Authority and the General Administration of Customs issued, in accordance with the Foreign Trade Law of the People's Republic of China, Announcement No. 9 on 25 January 2017, which prohibits the export to the Democratic People's Republic of Korea of dual-use items and technologies related to weapons of mass destruction and their means of delivery as well as dual-use conventional weapons.

(d) The Chinese Government has taken measures to require the freezing of funds, financial assets and economic resources on Chinese territory that are owned or controlled, directly or indirectly, by the persons or entities designated under resolutions 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016) or designated by the Committee as being engaged in or providing support for, including through illicit means, nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes of the Democratic People's Republic of Korea, or by persons or entities acting on their behalf or at their direction, and to ensure that Chinese nationals and any persons or entities within Chinese territory are prevented from providing any funds, financial assets or economic resources to the persons or entities designated above. The Chinese Government has also taken measures to refuse entry to the individuals to whom the Security Council's travel ban applies, and to close the representative offices in China of entities subject to sanctions.

(e) The Chinese Government has taken measures to inspect cargo in China that is to be imported or exported or is transiting through Chinese territory, cargo carried by aircraft of the Democratic People's Republic of Korea taking off from or landing in Chinese territory, and cargo transported by road or rail. The Chinese Government has required that Chinese citizens and companies not provide classification certificates or insurance or re-insurance services for vessels owned, controlled or operated by the Democratic People's Republic of Korea; has prohibited Chinese citizens from procuring vessel and aircraft crewing services from the Democratic People's Republic of Korea; and has de-registered vessels owned, controlled or operated by the Democratic People's Republic of Korea.

(f) The Chinese Government has taken measures to implement the provisions of resolution 2321 (2016) concerning financial sanctions, including prohibiting the provision of public or private financial support for trade with the Democratic People's Republic of Korea, and to ensure that public or private financial support is not provided for nuclear- or ballistic missile-related programmes or other activities of the Democratic People's Republic of Korea prohibited by Security Council resolutions.

(g) The Chinese Government has taken measures to prohibit the provision to the Democratic People's Republic of Korea of teaching and training which could contribute to its nuclear or ballistic missile programmes, including in the areas of advanced materials science, advanced chemical engineering, advanced mechanical engineering, advanced electrical engineering and advanced industrial engineering. The Chinese Government has also taken measures to rigorously review China-Democratic People's Republic of Korea scientific and technical cooperation and prohibit such cooperation with persons or groups officially sponsored by or representing the Democratic People's Republic of Korea in cases where such cooperation could contribute to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea.

4. Under the "one country, two systems" principle, the Chinese Central Government is responsible for managing the foreign relations and defence of the Hong Kong and Macao Special Administrative Regions, while those Regions enjoy executive, legislative and independent judicial power, including that of final adjudication. For that reason, the Hong Kong and Macao Special Administrative

Regions shall, upon notification by the Central Government, formulate their own laws and regulations for the practical implementation of resolution 2321 (2016).

5. The Chinese Government is of the view that all countries have the duty to implement comprehensively and faithfully the sanctions provisions of resolution 2321 (2016), but it does not favour the arbitrary interpretation or expansion of the sanctions. Resolution 2321 (2016) not only contains sanctions provisions, but also supports and calls for the resumption of the Six-Party Talks and supports the commitments set forth in the Joint Statement of the Fourth Round of the Six-Party Talks of September 2005. The resolution should be implemented in a comprehensive and balanced manner.

6. The Chinese Government has consistently advocated the denuclearization of the Korean peninsula, the maintenance of peace and stability on the Korean peninsula, and the resolution of problems through dialogue and consultation. Sanctions are not a goal, and Security Council resolutions cannot fundamentally resolve the nuclear issue on the Korean peninsula. Dialogue and negotiation are the only correct path toward resolving that issue. To expeditiously improve the situation and explore viable paths toward resolving the nuclear issue on the Korean peninsula, China urges all parties concerned to work in tandem to promote the holding of negotiations on denuclearizing the peninsula and on replacing the Korean armistice with a peace agreement, and to avoid actions that exacerbate tensions on the Korean peninsula. China opposes the deployment of the Terminal High Altitude Area Defense (THAAD) anti-missile system on the peninsula. China will continue to foster communication and coordination among all parties concerned and play a positive and constructive role in the early achievement of durable peace and security on the Korean peninsula.